

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHER DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

**CREDITORS RESPONSE TO TRUSTEES OBJECTIONS TO CLAIMS**

IN RE: WAREHOUSE 86, LLC- DEBTOR  
CASE NO. 08-03423 ee CHAPTER 7

Creditor: Keith Martin Mack, Creditor  
2949 Los robles Rd.  
Thousand, Oaks, CA 91362  
805-496-6092

August 15, 2011

To the Honourable Edward Ellington, the Office of the United States Trustee, Trustee  
Kimberly R. Lentz, and all interested parties.

NOTICE IS HEREBY GIVEN that Keith Martin Mack ("Mack")s, Creditor hereby responds to Trustee's, Trustee Kimberly R. Lentz, filing of an Objection to Claims in the above case:

Let it be known as Mack is in Pro Per. (See **NOTICE TO THE COURT**), and stated that Creditor Mack did not receive the Trustee's notice until after August 19, 2011 at his above address, as he does not receive any filings electronically, and apologizes for any time differences for the United States Postal Service of mailing as requested by Trustee to respond.

Regarding Claim No. 20-1 filed by Mack in the amount of \$638,1219.93. A portion of this amount was erroneously identified as real property. Instead, the claim was for actual products in the possession of the Debtor, which were either resold or are still in their possession and part of their inventory. Mack's Claim 20-1 included request for damages to be set aside in the Arizona Maracopa County Civil Lawsuit against Debtor, CV2008-070196 filed by Claimant, which the court has put on hold until such time as Debtor has completed their Chapter 11 Bankruptcy.

As it is now evident that the Debtor is changing horses by refiling themselves to Chapter 07. Upon notice, Creditor Mack on April 13, 2011, had refiled his claim and reidentified and again provided proof of debts owed by Debtor to him without specifying those claims as real property or pending lawsuits. Claim No. 36-1 totalling \$168,676.22.

Wherefore Creditor Mack stands by his claims as DEBTOR has not denied their existence nor provided any proof of satisfaction to Mack for their debt, therefore Mack is entitled to the amount of his Claim No. 36-1.


**NOTICE TO THE COURT:** The Creditor is in Pro Per and provides the following case law in asking for assistance from the THE UNITED STATES BANKRUPTCY COURT, FOR THE SOUTHER DISTRICT OF MISSISSIPPI SOUTHERN DIVISION:

1. Statements of counsel in brief or in argument are not sufficient for motion to dismiss or for summary judgment, *Trinsey v. Pagliaro*, D. C. Pa. 1964, 229 F. Supp. 647.
2. *Conley v. Gibson*, 355 U.S. 41 at 48 (1957) "Following the simple guide of rule 8(f) that all pleadings shall be so construed as to do substantial justice"... "The federal rules reject the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits." The court also cited Rule 8(f) FRCP, which holds that all pleadings shall be construed to do substantial justice.
3. *Jenkins v. McKeithen*, 395 U.S. 411, 421 (1959); *Picking v. Pennsylvania R. Co.*, 151 Fed 2nd 240; *Pucket v. Cox*, 456 2nd 233 Pro se pleadings are to be considered without regard to technicality; pro se litigants' pleadings are not to be held to the same high standards of perfection as lawyers.
4. *Roadway Express v. Pipe*, 447 U.S. 752 at 757 (1982) "Due to sloth, inattention or desire to seize tactical advantage, lawyers have long engaged in dilatory practices... the glacial pace of much litigation breeds frustration with the Federal Courts and ultimately, disrespect for the law.
5. Attorneys can't testify. Statements of counsel in brief or in oral argument are not facts before the court. This finding of a continuing investigation, which forms the foundation of the majority opinion, comes from statements of counsel made during the appellate process. As we have said of other un-sworn statements, which were not part of the record and therefore could not have been considered by the trial court:  
 "Manifestly, [such statements] cannot be properly considered by us in the disposition of [a] case." *United States v. Lovasco* ( 06/09/77 ) 431 U.S. 783, 97 S. Ct. 2044, 52 L. Ed. 2d 752, Under no possible view, however, of the findings we are considering can they be held to constitute a compliance with the statute, since they merely embody conflicting statements of counsel concerning the facts as they suppose them to be and their appreciation of the law which they deem applicable, there being, therefore, no attempt whatever to state the ultimate facts by a consideration of which we would be able to conclude whether or not the judgment was warranted. *Gonzales v. Buist*. ( 04/01/12 ) 224 U.S. 126, 56 L. Ed. 693, 32 S. Ct. 463.

Respectfully submitted,




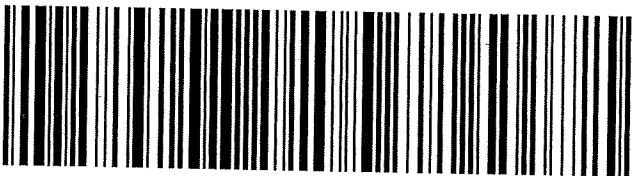
I affirm by my hand that the foregoing is true and correct to the best of my ability. Pursuant to 28 U.S.C. 1746, I certify under the Penalty of Perjury the foregoing is true and correct.

Dated: August 15, 2011

  
Keith Martin Mack, Pro-Per

Registered Mailings

1. LENTZ & LITTLE, PA  
Kimberly R. Lentz  
Post Office Box 927  
Gulfport, MS 39502  
USPS No. 420 39502 9121 7850 9140 1188 8120 04
2. Clerk U.S. Bankruptcy Ct.  
Dan M. Russell  
2012 15th Street  
Suite 244  
Gulfport, MS 39501  
USPS No. 420 39501 9121 1288 8230 0832 4956 40
3. Office of the  
U.S. Trustee  
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Suite 6-430  
Jackson, MS 39201  
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